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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,694	12/08/1998	T. ALLAN HAMILTON	CLB9-B95	7149
36257	7590	12/18/2003		
PARSONS HSUE & DE RUNTZ LLP 655 MONTGOMERY STREET SUITE 1800 SAN FRANCISCO, CA 94111				
			EXAMINER SINGH, DALZID E	
			ART UNIT 2633	PAPER NUMBER 19
DATE MAILED: 12/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/207,694

Applicant(s)

HAMILTON, T. ALLAN

Examiner

Dalzid Singh

Art Unit

2633

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 14-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 14-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod et al (US Patent No. 6,405,049) in view of Watson et al (US Patent No. 6,449,075).

Regarding claim 1, Herrod et al disclose wireless data communication systems (see col. 25, lines 1-4 and col. 26, lines 21-35) comprising:

a selector means for selecting one of multiple protocol stacks (see col. 28, lines 35-39);

Although Herrod et al disclose wireless system to communicate between different devices, as discussed above, Herrod et al do not specifically disclose detector means for detecting configuration of the other devices. In IRDA standards, it is well known that optical devices communicate between one another by transmitting and receiving infrared signals. In receiving the signal, the device detects and compares configuration of the transmitting device with its own configuration. Watson et al is cited to show that detection and configuration of the receiving device is well known (see col. 4, lines 22-51). Therefore if it is not inherent, it would have been obvious to an artisan of ordinary skill at the time of the invention to provide detecting step as taught by Watson et al to

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the wireless data communication of Herrod et al. One of ordinary skill in the art would have been motivated to do this in order to select a proper configuration which enable different devices to communicate with each other.

Regarding claims 2 and 15, Herrod et al discloses the communication system is optimized by selecting proper configuration of system parameters (col. 28, lines 35-39).

Regarding claims 3 and 16, as discussed above, the communication system have default parameters in order to establish initial communication, in which configuration of the device is changed to obtain optimum communication link.

Regarding claims 4 and 17, as discussed above it would have been obvious to establish initial communication upon cessation of the wireless system in order to update system parameters.

Regarding claim 5, Herrod et al wireless communication system (see col. 25, lines 1-4 and col. 26, lines 21-35) comprising:

a selector means for selecting one of multiple protocol stacks (see col. 28, lines 35-39);

Although Herrod et al disclose wireless system to communicate between different devices, as discussed above, Herrod et al do not specifically disclose detector means for detecting configuration of the other devices. In IRDA standards, it is well known that optical devices communicate between one another by transmitting and receiving infrared signals. In receiving the signal, the device detects and compares configuration of the transmitting device with its own configuration. Watson et al is cited to show that detection and configuration of the receiving device is well known (see col. 4, lines 22-

51). Therefore if it is not inherent, it would have been obvious to an artisan of ordinary skill at the time of the invention to provide detecting step as taught by Watson et al to the wireless data communication of Herrod et al. One of ordinary skill in the art would have been motivated to do this in order to select a proper configuration which enable different devices to communicate with each other. Furthermore, since the communication system of Herrod et al discloses an adaptive configuration, it would have been obvious to upgrade the protocol stack in order to optimize communication with other devices.

Regarding claim 6, Herrod et al discloses that the detector is querying for configuration by obtaining configuration parameters of another device.

Regarding claims 7-9, Herrod et al differs from these claims in that Herrod et al do not specifically disclose that the decoder has an upgrade enabling. However, since there are multiple protocol or application to be used, therefore it would have been obvious to have an upgrade enabling on the transmitter and receiver in order to optimize communication of different devices.

Regarding claim 14, Herrod et al wireless communication system (see col. 25, lines 1-4 and col. 26, lines 21-35) comprising:

a selector means for selecting one of multiple protocol stacks (see col. 28, lines 35-39);

application (software) selector (control flow) means (see col. 27, lines 12-31).

Although Herrod et al disclose wireless system to communicate between different devices, as discussed above, Herrod et al do not specifically disclose detector means

for detecting configuration of the other devices. In IRDA standards, it is well known that optical devices communicate between one another by transmitting and receiving infrared signals. In receiving the signal, the device detects and compares configuration of the transmitting device with its own configuration. Watson et al is cited to show that detection and configuration of the receiving device is well known (see col. 4, lines 22-51). Therefore if it is not inherent, it would have been obvious to an artisan of ordinary skill at the time of the invention to provide detecting step as taught by Watson et al to the wireless data communication of Herrod et al. One of ordinary skill in the art would have been motivated to do this in order to select a proper configuration which enable different devices to communicate with each other.

Response to Arguments

3. Applicant's arguments with respect to claims 1-9 and 14-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalzid Singh whose telephone number is (703) 306-5619. The examiner can normally be reached on Mon-Fri 9am - 5pm.

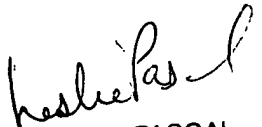
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on (703) 305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

DS
December 11, 2003


LESLIE PASCAL
PRIMARY EXAMINER